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Docket No.: 181-0308

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATION

In re Application of:

Peter Dronzek

Group Art Unit: 1791

Serial No.: 10/674,116

Examiner: John Goff

Filed: September 29, 2003

For: **TECHNIQUES FOR LABELING PLASTIC, GLASS OR
METAL CONTAINERS OR SURFACES WITH POLYMERIC LABELS**

New York, NY 10036

February 3, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This is an appeal from the final rejection
of all of the claims that was mailed September 3,
2009.

(i) *Real party in interest.* The real party in
interest is Process Resources Corp.

(ii) *Related appeals and interferences.* There are no
related appeals or interferences.

(iii) *Status of claims.* Claims 1-24 and 37 have been canceled; claims 25-36 and 38-47, 49 and 50 have been finally rejected and are the subject of this appeal. Claim 48 has been withdrawn from consideration.

(iv) *Status of amendments.* There are no unentered amendments and no amendment has been filed after the final rejection.

(v) *Summary of claimed subject matter.*

Claims 25, 47 and 50 are the independent claims. Claim 25 is directed to a method of labeling a glass plastic or metal container with a polymer patch label which is made from a microvoided low density polymer film using a water based adhesive. The polymer patch label is fed from a label magazine and a water based adhesive is applied by contacting the label in a stack of labels on the back side of the label prior to application of the label to the container and subsequent drying. The subject matter of Claim 25 was disclosed in original claim 1 and in the specification at page 5, lines 19-37; page 6, lines 1-10 and page 9, lines 17-21.

Claim 47 is directed to a method of labeling a glass, plastic or metal container with a polymer patch label which is, a microvoided polypropylene film, by using a water based adhesive. The claim is based on original claim 1 and the specification at page 9, lines 17-21; page 9, line 22 to page 10, line 34.

Claim 50 is similar to claim 25 and is directed to a method of labeling a glass plastic or metal container with a polymer patch label which is made from a microvoided low density polymer film having a density

of less than 0.9 by using a water based adhesive. The polymer patch label is fed from a label magazine and a water based adhesive is applied by contacting the label in a stack of labels on the back side of the label prior to application of the label to the container and subsequent drying. The subject matter of Claim 50 was disclosed in original claim 1 and in the specification at page 5, lines 19-37; page 6, lines 1-10 and page 8, line 26.

(vi) Grounds of rejection to be reviewed on appeal.

Claims 25, 47, 49 and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art in view of Malholtra et al. or Ito.

Claims 25, 47, 49 and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ito in view of the admitted prior art.

Claims 25-27, 30-36, 38, 45-47, 49 and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gobel, Malholtra or Ito and the admitted prior art.

Claims 38-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gobel, Malholtra or Ito and the admitted prior art as applied to claims 25-27, 30-36, 38, 45-47, 49 and 50 and further in view of Kelly.

Claims 26, 27, 30-36, 38, 45 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ito and the admitted prior art as applied to claims 25, 47, 49 and 50 and further in view of Gobel.

Claims 28, 29, 43 and 44 were rejected under 35

U.S.C. §103(a) as being unpatentable over admitted prior art and Gobel as applied to claims 26, 27, 30-36, 38, 45 and 46 further in view of Jannusch.

Claims 39-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ito, the admitted prior art and Gobel as applied to claims 26, 27, 30-36, 38, 45 and 46 further in view of Kelly.

(vii) *Argument.*

In paragraph 4 of the Final Rejection, Claims 25, 47, 49 and 50 were rejected under 35 U.S.C. §103(a) over the admitted prior art (specification pages 4-6) in view of Malholtra or Ito.

Claims 25, 47 and 50 recite a step where the microvoided patch label is placed in a magazine and fed from said magazine at a point where a water based adhesive is applied to form the fastenable label. Claims 25, 47 and 50 also recite "gluing a back side of said label by contacting said label with a pallet which is pressed against the first label in a stack of labels" in accordance with the specification at page 5, line 33 to page 6, line 5.

Claim 50 positively recites that a water based adhesive is applied to a microvoided polymeric film to form a fastenable microvoided polymeric film which is cut into patch labels. Claims 25, 47 and 50, and the claims that depend on these claims, define unobvious subject matter and are patentable over the combination of the admitted prior art in view of Malholtra or Ito.

The Examiner's citation of pages 4-6 of the present

specification as a basis for concluding that: "The admitted prior art discloses a conventional method of labeling a glass or plastic container by means of a water based adhesive through a method comprising selecting a paper or polymeric label that will readily feed from a label magazine, placing the label in the ;label magazine, feeding the label from the label magazine to a label holder which applies the water based adhesive to the label to form a fastenable label, fastening the label to a container and allowing the label to dry/cure on the container" is traversed as the statements made in the present specification do not support the Examiner's conclusion as to what has been characterized as admitted prior art that was made by the applicant.

The applicant traverses the Examiner's interpretation of the present specification at pages 4-6 and denies the alleged admissions that the Examiner has based on pages 4-6 of the specification. The text of the specification at pages 4, line 10 to page 5, line 5 does not support the Examiner's position as to what has been admitted.

At page 4 of the specification, beginning at line 10, there is a discussion of the use of hot melt adhesives in the application of labels that extends to page 5, line 5. The discussion of the use of hot melt adhesives does not constitute the admission that: "The admitted prior art discloses a conventional method of labeling a glass or plastic container by means of a water based adhesive through a method comprising selecting a paper or polymeric label that will readily feed from a label magazine, placing the label in the ;label magazine, feeding the label from the label magazine to a label holder which applies the water based adhesive to the label to form a fastenable label, fastening the label to a container and allowing the label to dry/cure on the container". This is because hot melt adhesives are softened with heat and set up when cooled and moreover they are not

water based adhesives as required by the rejected claims.

Beginning at page 5, lines 6-26, the specification discusses the application of "paper based cut patch labels" using a water based adhesive and notes that "the cut label techniques work well with "paper based substrates" because the wet adhesive wicks or absorbs into the paper and allows the "moisture to be absorbed by and dry through the paper base". At line 27, the applicant stated that "This technique (referring to the use of a water based adhesive on a paper base) "will not work with non-porous polymeric label substrates as the adhesives cannot dry thru (wick into) the polymeric substrate". These statements cannot be interpreted as an admission that: "The admitted prior art discloses a conventional method of labeling a glass or plastic container by means of a water based adhesive through a method comprising selecting a paper or polymeric label that will readily feed from a label magazine, placing the label in the label magazine, feeding the label from the label magazine to a label holder which applies the water based adhesive to the label to form a fastenable label, fastening the label to a container and allowing the label to dry/cure on the container".

Beginning at page 5, line 30 of the present specification, the applicant described the operation of a cut and stack labeling machine without reference to what stock material was used to make the label. These statements were made after stating explicitly that *polymeric film would not work* with this technique. At page 6, line 11, the applicant described unsuccessful attempts to apply polymeric labels with a water based adhesive using microperforated stock because those attempts resulted in applied labels that would swim or move from their intended location. This discussion of an unsuccessful attempt in the prior art to use a water based adhesive on a perforated polymeric label stock does not place

in the prior art a method of applying a polymeric label using a water based adhesive. The quoted text does not support a conclusion that: "The admitted prior art discloses a conventional method of labeling a glass or plastic container by means of a water based adhesive through a method comprising selecting a paper or polymeric label that will readily feed from a label magazine, placing the label in the label magazine, feeding the label from the label magazine to a label holder which applies the water based adhesive to the label to form a fastenable label, fastening the label to a container and allowing the label to dry/cure on the container".

The Examiner has argued that cut labeling machines are known to be used with any label substrates but has not acknowledged that the pressure sensitive labels adhesives used n=by Malholtra and others could not be used in these machines as they would stick to one another. The cited references do not use water based adhesives to apply polymeric labels from a cut labeling machine. The Examiner has characterized as "prior art", the attempts to apply *microperforated* polymeric labels which allowed the adhesive to ooze thru the label and contaminated the label surface and resulted in labels that would "swim" on the surface of a container. These abandoned experiments are not prior art hat suggest the used of a microvoided polymeric material.

At page 6, lines 37 to page 7, line 18 of the specification, the benefit of the use of a microvoided label in a recycling operation is pointed out. The lower density microvoided label or labels with a density of less than 0.9 (claim 50) will float away from the glass, plastic or metal label stock and will be easily separated as compared to denser label stocks that will not float awqay from the containers.

For these reasons, it is requested that the Examiner's stated conclusion as to what the applicant admitted as regards the content of the prior art be reversed.

The Examiner in the present application applied Malholtra as disclosing a microvoided polymeric label stock. However Malholtra does not disclose the use of water or a water based adhesive, as required by the finally rejected claims which also require the use of a microvoided polymeric patch label that will readily feed from a label magazine and will allow a water based adhesive to migrate into said microvoided polymeric label.

The Malholtra patent mentions a filled polypropylene with microvoids that is used to make printable pressure laminated labels that are applied with a pressure sensitive adhesive. At col. 5, lines 44-60, it is clear that pressure sensitive adhesives are required by the Malholtra patent. The pressure sensitive polypropylene label of Malholtra does not suggest any modification of the hydrophilic coated PVC label of Goebel. Malholtra only uses a pressure sensitive adhesive on a polymeric label and not a water based adhesive as required by all of the claims of the present application. A label with a pressure sensitive adhesive cannot be fed from a label magazine because the pressure sensitive adhesive will cause the labels to stick to each other.

The Ito patent only discloses a voided material. There is no mention in Ito of what type of adhesive could or should be used if the product is used to make labels.

None of the cited references address the problem solved by the present invention which is the labeling of plastic, glass or metal containers with a microvoided polymer using a water based adhesive. There was no suggestion in Ito that the voided property could be utilized to manage the water in a water based adhesive when the microvoided film was used a labeling material. For these reasons, it is requested that this ground of rejection be reversed.

In paragraph 5 of the Office Action, claims 25, 47, 49 and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ito in view of the admitted prior art.

The Ito patent only discloses a voided material. There is no mention in Ito of what type of adhesive could or should be used if the product is used to make labels. Thus Ito is not a teaching reference with regard to the application of a polymeric label to a glass, plastic or metal container using a water based adhesive.

The characterization of what the Examiner has deemed to be admitted prior art has been discussed above and the applicant has not admitted that it is old to apply a polymeric label to a glass, plastic or metal container using a water based adhesive. For these reasons, it is requested that this ground of rejection be withdrawn.

In paragraph 6 of the final rejection, claims 25-27, 30-36, 38, 45-47, 49 and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Goebel in view of Malholtra or Ito and the admitted prior art.

Goebel was applied as disclosing labels for gluing on articles which may be made of paper or plastic films. The labels are provided with a hydrophilic carboxy group containing polymer. Example 3 of Goebel describes a plastic foil (film) of PVC as a label substrate and mentions at col.1, line 62 that an aqueous adhesive may be used. There are eight examples in Goebel and all examples except Example 3 are only concerned with paper labels. No test data was provided by Goebel to demonstrate if or how his PVC foil could be used to label a container. In addition Goebel did not mention the use of a stack and feed label application device or any high speed automatic labeling machine.

The Examiner acknowledged that the plastic foil (film) of rejected claims.

Example 3 of Goebel was repeated and the results were presented in a Declaration of Leslie Fernandez that is of record in U.S. 6,663,746 and a copy has been filed in the present application. That Declaration provides data that shows that the label of Example 3 will not dry and the treated surface remains sticky like cellophane tape so that those individual labels will stick to one another and cannot be used in a labeling machine where they are stacked one upon another. Claims 25, 47 and 50 point out that the claimed process uses a patch label that will readily feed from a label magazine. In addition claims 25, 47 and 50 recite the direct application of an adhesive to the polymer label as a means for the pallet to adhere to the label so that the label may be removed from the magazine. The adhesive can then pass into the porous structure of the microvoided film with or without a hydrophilic layer by a wicking action.

Goebel suggests a water based adhesive that cannot be used for labeling using a stack and feed labeling machine.

The Examiner has argued that the claims merely require that the microvoided polymer label be capable of allowing a water based adhesive to migrate into the microvoided polymer. This argument does not apply to claims 25, 47 or 50 and the claims that are dependent on these claims, because these claims are method claims where water or a water based adhesive is applied to the polymeric label to form a fastenable patch label. The step of applying water or a water based adhesive to a microvoided polymeric patch label results in the migration of water into the microvoided material because of the physical structure of the microvoided polymeric patch label which is porous and thus water will flow into this material. This concept is not disclosed by Goebel who only mentions a plastic

foil (film) which is not porous. The density of the PVC film is not set forth in Goebel and nothing in Goebel suggests the use of a microvoided patch label that will allow a water based adhesive to migrate into the microvoided polymeric label.

Goebel would not use the microvoided label-pressure sensitive adhesive label of Malholtra for a non-pressure sensitive label application and thus there is no suggestion in Goebel to modify his process to include a microvoided polymer. It is also noteworthy that in combining Goebel with Malholtra, the recitation in claims 25, 47 and 50 of the present application as well as the claims dependent on these claims, that the patch label will readily feed from a label machine, must be ignored, because sticky labels or labels with a pressure sensitive adhesive cannot be applied from a stack of labels in a magazine as they would stick to one another. It is not proper to ignore the plain teachings of the prior art when making a determination of obviousness and to ignore the fact of inoperability when the prior art references are combined.

As noted above, the alleged admitted prior art at page 4, lines 21-25 of the specification was concerned with hot melt technology as noted at page 4, line 12. The fact that hot melt adhesives have been used as label adhesives for polymeric labels does not mean that the applicant admitted that water based adhesives were used to apply polymeric labels to fasten a polymeric label to a glass, plastic or metal container. The present specification at page 5, lines 6-35 explains why a water based adhesive does not work with a polymer label where the water based adhesive is applied to an ordinary polymer film: there is no place for the water to go and the label "swims" off the container. For these reasons, it is requested that this ground of rejection be reversed.

In paragraph 7 of the final rejection, claims 28, 29, 43 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable

over Goebel, Malholtra or Ito, and the admitted prior art as applied to claims 25-27, 30-36, 38, 45-47 and 50 further in view of Jannusch et al. (Jannusch).

Goebel, Maholtra and Ito as well as the admitted state of the art have been distinguished from the claimed invention above. Claims 28, 29, 43 and 44, which depend directly or indirectly from claim 25, point out that a cross-linking catalyst is used which is not used by the primary references. The Jannusch patent, at col. 8, line 38, mentioned polystyrene as the only example of a plastic.

Jannusch does not mention the use of any foamed plastic substrate as a label and makes no reference to the use of a heat shrinking technique in connection with the use of the Jannusch water based adhesive. Jannusch does not mention any type of a microvoided or foam label. Moreover, Jannusch is silent as to the use of any label substrate which allows water to migrate into the label. This ground of rejection was not applied to reject claim 50 which is directed to the labeling of plastic containers.

The Jannusch patent is limited to a labeling system which must use a caustic sensitive labeling adhesive that contains an active metal such as aluminum. The metal component is added to make the adhesive debonding in the presence of a strong base. The labels that are disclosed in Example XIII, are paper and the only containers that are actually labeled are glass containers.

Jannusch is defective as a reference because it lacks a teaching of anything that would suggest or make obvious the combination of the teachings of that reference with Goebel. The deficiency in the Jannusch patent is that patent is only concerned with the use of an adhesive which contains an active metal that functions to make the adhesive debonding in the

presence of a strong base. The labels that are disclosed in Jannusch, in Example XIII, are paper and the plastic labels that are mentioned are not disclosed as having being microvoided.

Goebel, Ito, the alleged admitted state of the art and Spannknebel have all been distinguished from the claimed invention above and in combination with Jannusch, they do not make the subject matter of claims 28, 29, 43 and 44 obvious and it is requested that this ground of rejection be reversed.

In paragraph 8 of the Office Action, claims 39-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Goebel, Malholtra or Ito, and the admitted prior art as applied to claims 25-27, 30-36, 38, 45-47 and 50 further in view of Kelly.

The Goebel, Malholtra or Ito and the alleged admitted state of the art have been distinguished from the claimed invention above. Claims 39-42 are concerned with the application of a protective coating to printed indicia and are dependent on claim 26 which is dependent on claim 25.

The Kelly patent only discloses of the use of slip aids in combination with labels that are not made of low density polymers. Nothing in Kelly teaches how to apply a microvoided polymer label to a container. For these reasons, it is requested that this ground of rejection be reversed.

In paragraph 9 of the Office Action, claims 26, 27, 30-36, 38, 45 and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ito and the admitted prior art further in view of Goebel.

All of the rejected claims depend directly or indirectly on claim 25 which has been distinguished from the prior art above.

The Ito patent only discloses a voided material. There is no mention in Ito of what type of adhesive could or should be used if the product is used to make labels. Thus Ito is not a teaching reference with regard to the application of a polymeric label to a glass, plastic or metal container using water based adhesive.

The Goebel labels are provided with a hydrophilic carboxy group containing polymer. As noted above, Example 3 of Goebel describes a plastic foil (film) of PVC as a label substrate and mentions at col.1, line 62 that an aqueous adhesive may be used. There are eight examples in Goebel and all examples except Example 3 are only concerned with paper labels. No test data was provided by Goebel to demonstrate if or how his PVC foil could be used to label a container. In addition Goebel did not mention of the use of a stack and feed or gripper type of label application device.

The Examiner has criticized the Declaration of Leslie Fernandez regarding the Goebel patent in that it tested dried PVC films and that a label magazine did not require that labels be stacked. As noted above, claims 27, 47 and 50 point out that the microvoided labels are fed from a magazine and that the adhesive is applied to a stack of labels by a pallet as described in the specification at page 5, line 33 et seq. The recitation of a stack in the claims avoids the Examiner's contention that the term label magazine does not specify a stack of labels to the exclusion of a roll magazine. In any event the use of a water based adhesive is not taught by the prior art for the application of polymeric labels using a magazine. Roll magazines of pressure sensitive adhesive backed labels are not a stack of labels. Roll magazines of pressure sensitive adhesive backed labels require a release liner so that the labels will not stick to one another.

The Fernandez Declaration shows that when the teachings of

Goebel were followed, with the exception that a 40 micron sheet was used instead of a "50 micron sheet" and that a coating weight of 8 g./sq. meter was used instead of "6.7-9.7 g/sq. meter", and a heat gun was used for curing vs. "a drying chamber", as noted by the Examiner. It should be noted that Example 3 of Goebel states that it was dried in a "drying channel" while Example 1 recites drying in a "hanging room" and Example 2 recites drying in a "drying chamber" without any mention of the temperature or structure. However, the noted differences have nothing to do with the fact that the Goebel product when stacked, each sheet will adhere to the other because the applied adhesive remained tacky.

It is not seen that it is necessary to demonstrate that a label with a pressure sensitive adhesive or a sticky label will not feed from a magazine of a labeling machine because it is within the skill of the art to make this conclusion based on the established physical properties of the materials without jamming the label magazine of a labeling machine in an actual test. For these reasons, it is requested that this ground of rejection be reversed.

In paragraph 10 of the final rejection, claims 28, 29, 43 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art and Goebel as applied to claims 6, 27, 30-36, 45 and 46 further in view of Jannusch.

Each of the bases for this ground of rejection have been discussed above. Since the rejected claims are all dependent on claim 25, either directly or indirectly, the arguments set forth above in support of the patentability of claim 25 over the prior art also apply to claims 28, 29 and 44. For these reasons, it is requested that this ground of rejection be reversed.

In paragraph 11 of the Office Action, claims 39-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over

Ito, the alleged admitted prior art and Goebel as applied to claims 26, 27, 30-36, 38 45 and 46 further in view of Kelly.

This ground of rejection relies upon references which have been distinguished from the claimed invention. None of the cited references and no admitted prior art shows a process of applying microvoided polymeric patch labels from a stack of labels using a water based adhesive. All of the rejected claims are dependent on claim 25, either directly or indirectly and the arguments set forth above in support of the patentability of claim 25 over the prior art also apply to claims 39-42. For these reasons, it is requested that this ground of rejection be reversed.

A Terminal Disclaimer has been filed to obviate the double patenting rejection.

The present invention represents an advance in the art as it provides a practical manner of placing a polymeric label on a glass, metal or plastic surface using existing equipment. The

citation of multiple references

Respectfully submitted,



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(viii) Appendix

Claims

25 A method of labeling a glass, plastic or metal container or surface by means of a water based adhesive composition, said method comprising:

(a) selecting a micro voided polymeric patch label that will readily feed from a label magazine and will allow a water based adhesive to migrate into said micro voided polymeric patch label;

(b) placing said micro voided polymeric patch label in a label magazine and feeding said micro voided polymeric patch label from said magazine to a point where a water based adhesive is applied to said microvoided polymeric label by gluing a back side of said label by contacting said label with a pallet which is pressed against the first label in a stack of labels to form a fastenable polymeric patch label;

(c) fastening said micro voided fastenable polymeric patch label to a glass, plastic or metal container or surface and

(d) allowing said microvoided fastenable polymeric patch label to dry on said glass, plastic or metal surface or container.

26 A method for labeling a glass, plastic or metal container as defined in claim 25 wherein a hydrophilic layer is applied to said microvoided polymeric film before said water based adhesive is applied.

27 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein water is applied to said hydrophilic layer to form a fastenable microvoided label.

28 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein a waterbased adhesive layer containing a catalyst is applied to said hydrophilic layer to

form a fastenable microvoided polymeric label.

29 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein a reactive catalyst crosslinkable with either the hydrophilic layer or the water based adhesive layer or both layers is added to the hydrophilic layer.

30 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein the hydrophilic layer is a coated, coextruded or extruded layer.

31 A method for labeling glass, plastic or metal container as defined in claim 30 where hydrophilic layer is a coated layer.

32 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein the adhesive is applied with 100% coverage or a pattern to the hydrophilic layer.

33 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein from 0.25 to 6 mils of a water based adhesive is applied.

34 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein the polymeric label is a mono-layer or coextruded film selected from white or colored polypropylene, polyethylene, polyester, polystyrene, polycarbonate or compatibilized polymer blends.

35 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein the polymeric label includes a reverse printed clear polymeric film which is laminated to a low density polymeric label surface.

36 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein an adhesion promoting tie layer

or primer is used to promote adhesion of the hydrophilic layer to the polymer label.

38 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein an adhesion promoting layer is used on a print surface on the polymer label to promote indicia adhesion.

39 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein a protective coating over a surface of printed indicia is present which is formulated with slip aids and/or anti-static agents to control the coefficient of friction and static properties between the hydrophilic layer and protective coating for optimum high speed application.

40 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein a protective coating over a surface of printed indicia is present which is formulated with anti-block and/or anti-stick aids to control the blocking tendency of the moisture activated hydrophilic layer for optimum high speed application.

41 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein a protective coating over an exposed surface of the microvoided polymeric label is formulated with slip aids and/or anti-static agents known to those in the art to control the coefficient of friction and static properties between the hydrophilic layer and protective coating for optimum high speed application.

42 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein a protective coating over the surface of the exposed polymer layer is formulated with anti-block and/or anti-stick aids to control the blocking tendency of the moisture activated hydrophilic layer for optimum high speed application.

43 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein the hydrophilic layer is formulated with humectants for curl control and/or anti-block aids to control the layflat and blocking properties of the label for optimum high speed application.

44 (previously presented): A method for labeling a glass, plastic or metal container as defined in claim 26 wherein the aqueous label adhesive is based on starch, casein, synthetic polymer or blends of starch, casein or synthetic polymers.

45 A method for labeling a glass, plastic or metal container as defined in claim 26 wherein the hydrophilic layer activated by water into an adhesive layer is a derivative of polyacrylic acid or polyacrylic acid copolymer.

46 A method for labeling a glass, plastic or metal container as defined in claim 45 wherein the hydrophilic layer activated by water into an adhesive layer is a carboxylated sodium polyacrylate.

47 A method of labeling a glass, plastic or metal container or surface by means of a water based adhesive composition, said method comprising:

(a) selecting a microvoided polypropylene patch label that will readily feed from a label magazine and will allow a water based adhesive to migrate into said microvoided polypropylene patch label;

(b) placing said microvoided patch label in a label magazine and feeding said microvoided polypropylene patch label from said magazine to a point where a water based adhesive is applied by gluing a back side of said microvoided patch label by contacting said label with a pallet which is pressed against the first label in a stack of labels to form a microvoided fastenable polypropylene patch label;

- (c) fastening said microvoided fastenable polypropylene patch label to a glass or plastic container or surface; and
- (d) curing said microvoided fastenable polypropylene patch label on said glass or plastic container or surface.

49 A method of labeling a plastic container by means of a water based adhesive composition as defined in claim 25 wherein step (a) further comprises selecting a microvoided polymeric patch label having a density of less than 0.9 and step (c) further comprises fastening said fastenable polymeric label to a plastic container or surface.

50 A method of labeling a plastic container or surface by means of a water based adhesive composition, said method comprising:

- (a) selecting a microvoided polymeric film that will readily feed from a label magazine and having a density of less than 0.9 which allows a water based adhesive to migrate into said microvoided polymeric film when a water based adhesive is applied to said microvoided polymeric film to form a fastenable polymeric film;
- (b) cutting said fastenable polymeric film into fastenable individual patch labels;
- (c) applying water or a water based adhesive to said fastenable individual patch labels after feeding said individual patch labels from a label magazine to form a wet fastenable individual patch label by gluing a back side of said label by contacting said label with a pallet which is pressed against the first label in a stack of labels;
- (d) fastening said fastenable patch label to a plastic container or surface; and
- (e) allowing said fastenable patch label to dry on said plastic surface or container.

(ix) *Evidence appendix.*

There is no evidence in the evidence aappendix

(x) *Related proceedings.*

There are no related proceedings